THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9562 of 2007

Dated:01.05.2007

Between:

Sivalingam Dasaiah and others.

…Petitioners

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The three petitioners allege that from the time of their forefathers, the land admeasuring Acs.11.00 in Survey No.1 situated at Pathalapalli Village of Sydapuram Mandal in Nellore District is in the possession of the petitioners' families. When there was interference by some villagers, they filed O.S.No.72 of 1991 on the file of the Court of the District Munsif, Gudur, for permanent injunction. The suit was decreed. In 1990 they requested the revenue authorities for grant of pattas, in vain. However, the Government granted lease pattas in their favour, as a result of which, the petitioners are in occupation of the land and cultivating the same. As pattas are not granted, they filed the present Writ Petition seeking a direction to the respondents to grant pattas to them.

The right of the petitioners, if any, flows from the fact that they were allegedly granted lease pattas by the competent authority for cultivating the land. However, these lease documents are not placed before this Court, and therefore, this Court cannot record any finding on the allegation. However, the Mandal Revenue Officer may enquire into the matter, and if the petitioners are eligible as landless and poor persons for assignment, necessary action may be taken for assigning the land in Survey No.1. If the said land is not available for assignment, other suitable land may be assigned to the petitioners, subject to availability of the land.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

01.05.2007
vs